

Message Text

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PAGE 01 USUN N 05844 292351Z
ACTION IO-14

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 /073 W
-----035708 300748Z /10

R 292236Z DEC 77
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 8922
INFO AMEMBASSY ANKARA
AMEMBASSY ATHENS
AMEMBASSY NICOSIA

C O N F I D E N T I A L USUN 5844

E.O. 11652: GDS
TAGS: UNSC, CY, TU
SUBJECT: CYPRUS SC DEBATE: THE SC USUALLY ACTS AS ITS OWN LEGAL
ADVISER

1. AT 16 DECEMBER UNFICYP RENEWAL MEETING, CYPRUS PERM
REP ROSSIDES, WHO WAS SEATED AT THE SC TABLE, INTERRUPTED
TURKISH CYPRIOT REP NEIL ATALAY ON A POINT OF ORDER WHEN ATALAY RE-
FERRED TO HIM AS "MR. ROSSIDES" RATHER THAN AS THE REPRESENTATIVE
OF CYPRUS". ROSSIDES APPEARS TO HAVE ACTED ON THE BELIEF THAT
THOSE INVITED TO SPEAK UNDER RULE 39 (PERSONS HAVING EXPERT
KNOWLEDGE AND SECRETARIAT OFFICERS) ARE IN SOME MANNER BOUND
TO "RECOGNIZE" THE REPRESENTATIVE CHARACTER OF PERSONS
SPEAKING ON BEHALF OF UN MEMBER STATES. MAURITIUS FM SIR
HAROLD WALTER, WHO WAS PRESIDING, SUGGESTED THAT MATTER BE LEFT
"TO THE WISDOM OF THE LEGAL PUNDITS OF THE UNITED NATIONS AND
THE SECURITY COUNCIL TO DISENTAGLE". HE THUS UPHELD THE
TRADITION THAT MEMBERS OF THE COUNCIL TRADITIONALLY RELY ON
THEIR DELEGATIONS FOR LEGAL ADVICE AND THUS, UNLIKE THE
GENERAL ASSEMBLY, THE COUNCIL ALMOST NEVER ASKS THE UN
LEGAL COUNSEL FOR AN OPINION ON A LEGAL OR PROCEDURAL
QUESTION. (THERE HAVE BEEN ONE OR TWO INSTANCES IN WHICH,
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PAGE 02 USUN N 05844 292351Z

ACTING ON A CONSENSUS BASIS, THE SC'S RHODESIA SANCTIONS
COMMITTEE HAS ASKED, AND RECEIVED, A LEGAL OPINION, BUT
NO CASE IS KNOWN IN WHICH THE COUNCIL OR ITS PRESIDENT
SOUGHT SUCH AN OPINION IN THE ABSENCE OF CONSENSUS).

2. ROSSIDES HAS NOW WRITTEN THE SC PRESIDENT
(WITHOUT REGARD TO THE PRESIDENT'S CAREFULLY CHOSEN WORDS,

QUOTED ABOVE) ASSERTING THAT WALTER COMMITTED HIMSELF TO ASKING UN LEGAL COUNSEL SUY FOR A LEGAL OPINION. THE PRESIDENCY HAS REPLIED TO ROSSIDES SAYING THAT COUNCIL MEMBERS WILL WISH TO STUDY THE MATTER RAISED BY ROSSIDES NOTE, THUS HOPING TO PUT THE MATTER TO REST. APART FROM HIS PERSONAL ACTIVISM, THE STIMULUS FOR ROSSIDES PERSISTENCE APPEARS TO BE A COMMENT MADE TO HIM BY UN LEGAL COUNSEL ERIC SUY THAT SUY WOULD SUPPORT ROSSIDES IF THE MATTER WERE FORMALLY PUT TO HIS OFFICE. GIVEN THE FREE SPEECH/LICENSE TRADITIONS OF THE COUNCIL, SUCH ADVICE WOULD BE INEPT. WE WOULD WISH TO DISCUSS THE MERITS WITH SUY WERE IT NOT FOR THE BELIEF THAT THE MATTER WILL REMAIN WHERE WALTER SO WISELY WISHED TO LEAVE IT.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL SITUATION, FORM OF GOVERNMENT
Control Number: n/a
Copy: SINGLE
Sent Date: 29-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977USUNN05844
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780002-1041
Format: TEL
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977126/aaaaaemg.tel
Line Count: 77
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8544d504-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 248579
Secure: OPEN
Status: NATIVE
Subject: CYPRUS SC DEBATE: THE SC USUALLY ACTS AS ITS OWN LEGAL ADVISER
TAGS: PORG, PDEV, CY, TU, UNSC
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/8544d504-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009